

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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)
)
v.)Criminal No. 05-10102-JLT
)
)
JOHN BRUENS, MARY STEWART, MARC)
SIROCKMAN, MELISSA VAUGHN,)
)
Defendants.)

**UNITED STATES' MOTION IN LIMINE TO EXCLUDE
TESTIMONY OR REFERENCE TO SEXUAL HARASSMENT CLAIM**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves the Court *in limine* for an order excluding the introduction into evidence of any testimony or reference to a sexual harassment claim filed by Caryl Moscardini against Serono Laboratories, Inc. ("Serono") and naming, among others, Adam Stupak.¹

The Government anticipates that the defendants may attempt to impeach Adam Stupak by inquiring about a claim filed against Serono by an employee, Caryl Moscardini, that named, among others, Adam Stupak. Ms. Moscardini worked directly for Mr.

¹ The government is not sure whether the defendants will attempt to use this claim to impeach Mr. Stupak as it also describes conduct by Mary Stewart and others in the Metabolic and Immune Therapy business unit. However, this motion is filed in an abundance of caution.

Stupak. Her claim was settled in the amount of \$5,000 with no admission of liability by Serono or Mr. Stupak or others. This evidence is extrinsic to the issues before this court and the charges in this Indictment. In addition, this evidence is not admissible under Fed. R. Evid. 608(b) because it does not relate to the truthfulness or untruthfulness of the witness. The case was settled and there was no finding by any trier of fact relating to this claim. Moreover, the admission of this evidence is irrelevant to whether the defendants committed the crimes charged in the Indictment, would be greatly prejudicial, confuse the jury and be a waste of time. Fed. R. Evid. 402, 403.

Accordingly, based upon the foregoing, the government requests that the Court exclude any reference or testimony relating to the sexual harassment claim filed by Caryl Moscardini.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mary Elizabeth Carmody
MARY ELIZABETH CARMODY
SUSAN M. POSWISTILO
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: 04/24/2007

/s/ Mary Elizabeth Carmody
MARY ELIZABETH CARMODY
Assistant United States Attorney